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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,106	01/30/2004	Mihai Costea	MS1-1903US	9018
22801 7590 04/04/2008 LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201				
EXAMINER HOANG, DANIEL L				
ART UNIT		PAPER NUMBER		
2136				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/769,106

**Applicant(s)**

COSTEA ET AL.

**Examiner**

DANIEL L. HOANG

**Art Unit**

2136

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 6-10 and 13-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-10, 13-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### RESPONSE TO ARGUMENTS

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

### CLAIM REJECTIONS

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2,4-5, 9-15, 20-21, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edery, US PGP No. 20020013910 and further in view of Chen, US Patent No. 5960170

#### **As per claim 1, 14, 21, Edery teaches:**

A processor-readable medium comprising processor-executable instructions for:  
parsing an input file to recognize a file format of the input file;

*[see para. 0086]*

checking contents of the input file, according to the recognized file format if available, to determine whether executable code exists within the input file; and

*[see para. 0086]*

sending a status in response to results of said checking.

*[see para. 0087]*

Ederly is mute in teaching, "wherein parsing repeatedly parses with a plurality of component parsers contained within a compound parser, wherein the compound parser is extensible and each of the plurality of component parsers is configured for recognition of a specific file format."

*Chen teaches the above limitation not taught by Ederly. In col. 7, lines 20-25, Chen teaches a plurality of virus detection objects are produced by the virus detection server and transmitted to the client. These objects are viewed by examiner to be analogous to the claimed "component parsers." Col. 8, lines 1-5 cite that the objects contain information allowing them to detect the type of viruses present at the client based on file type. It would be obvious to one of ordinary skill to modify the invention taught by Ederly to include that which is taught by Chen so that specific file types can be scanned in order to detect multiple types of viruses that may reside on different platforms of file types.*

Ederly is also mute in teaching "continuing to parse the input file with all remaining component parsers after at least one component parser recognizes the file format of the input file."

*Chen teaches the above limitation not taught by Ederly. In col. 7, lines 51-60 cite that the production of virus detection objects continues until a determination is made in step 245 as to whether additional scanning is no longer required. It would be obvious to one of ordinary skill to modify the system taught by Ederly to include that which is taught above by Chen so, based on the results received by the virus detection server, scanning for viruses can continue until a desired result is achieved.*

**As per claim 2, 15, Ederly teaches:**

The processor-readable medium as recited in claim 1, wherein sending a status comprises further instructions for: sending a file-has-no-code status when the file format of the input file was recognized and no executable code was found; and sending a file-has-code status when executable code was found.

*[see para. 0087]*

**As per claim 3, 16, 22, Ederly teaches:**

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The processor-readable medium as recited in claim 1, additionally comprising further instructions for sending a don't-know status when the file format of the input file was not recognized.

*[see para. 0088]*

**As per claim 4, 20, Edery teaches:**

The processor-readable medium as recited in claim 1, wherein parsing the input file comprises further instructions for parsing the input file repeatedly with a plurality of component parsers contained within an extensible parser.

*[see para. 0092]*

**As per claim 5, Edery teaches:**

The processor-readable medium as recited in claim 4, additionally comprising further instructions for sending a don't-know status when each of the plurality of component parsers contained within the extensible parser fails to recognize sections of the input file.

*[see para. 0092]*

**As per claim 9, Edery teaches:**

The processor-readable medium as recited in claim 1, wherein checking contents of the input file comprises further instructions for operating a component parser portion of an extensible parser to recognize a specific data file format.

*[see para. 0086]*

**As per claim 10, 28, Edery teaches:**

The processor-readable medium as recited in claim 1, wherein parsing the input file comprises instructions for operating a parser configured to recognize a plurality of file formats.

*[see para. 0086]*

**As per claim 11, Edery teaches:**

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The processor-readable medium as recited in claim 1, wherein checking contents of the input file comprises further instructions for operation of a compound parser including a plurality of component parsers, wherein each of the plurality of component parsers is configured for recognition of a specific file format.

*[see para. 0093]*

**As per claim 12:**

The processor-readable medium as recited in claim 11, additionally comprising further instructions for continuing to parse the input file with all remaining component parsers after at least one component parser recognizes the file format of the input file.

*Chen teaches the above limitation not taught by Edery. In col. 7, lines 51-60 cite that the production of virus detection objects continues until a determination is made in step 245 as to whether additional scanning is no longer required. It would be obvious to one of ordinary skill to modify the system taught by Edery to include that which is taught above by Chen so, based on the results received by the virus detection server, scanning for viruses can continue until a desired result is achieved.*

**As per claim 13, Edery teaches:**

The processor-readable medium as recited in claim 11, additionally comprising further instructions for parsing the input file until a component parser recognizes the file format of the input file.

*[see para. 0092]*

**As per claim 26, Edery teaches:**

The apparatus as recited in claim 21, additionally configured to send the status to: a firewall; a host intrusion detector; or a host vulnerability assessor.

*[see para. 0047]*

**As per claim 6-8, 17-19, 23-25, 27, Edery teaches:**

The processor-readable medium as recited in claim 1, wherein sending the status comprises further instructions for sending the status to an email program/instant messaging program/internet browsing program.

Edery teaches alerting one or more users/administrators but does not specifically mention whether said alert is sent via email, IM, or browser. Depending on the user's capabilities, examiner interprets that it would have been obvious to send said alert via any of the above applications or any other applicable application. Examiner further interprets that this is merely a design choice and a certain user system's functionality.

**As per claim 29:**

The apparatus as recited in claim 21, wherein the compound parser is configured to allow extension by addition of a new component parser to the compound parser, wherein the new component parser recognizes a further file format and recognizes executable code within the further file format.

*Chen teaches the above limitation not taught by Edery. In col. 7, lines 20-25, Chen teaches a plurality of virus detection objects are produced by the virus detection server and transmitted to the client. These objects are viewed by examiner to be analogous to the claimed "component parsers." Col. 8, lines 1-5 cite that the objects contain information allowing them to detect the type of viruses present at the client based on file type. It would be obvious to one of ordinary skill to modify the invention taught by Edery to include that which is taught by Chen so that specific file types can be scanned in order to detect multiple types of viruses that may reside on different platforms of file types.*

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Claims 3, 16, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edery and Chen as applied to claim 1 above, and further in view of Cover, US PGP No. 20060136389.

**As per claim 3, 16, 22:**

Both Edery and Chen are mute in teaching:

The processor-readable medium as recited in claim 1, additionally comprising further instructions for sending a don't-know status when the file format of the input file was not recognized.

The Cover reference teaches in paragraph 0108 a routine to notify a user of an "unknown file type". It would have been obvious to one of ordinary skill in the art to utilize this routine with the combination of the Edery and Chen references above so that when the system encounters an unknown file type while parsing an input file, the user can be alerted so that further action may be taken, such as quarantining the file.

**CONCLUSION**

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



## POINTS OF CONTACT

- \*. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

- \*. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Hoang whose telephone number is 571-270-1019. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

*Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).*

/Daniel L. Hoang/  
Examiner, Art Unit 2136

/Nasser G Moazzami/  
Supervisory Patent Examiner, Art Unit 2136